
By: **Delegates Jones, Burns, Fulton, Gutierrez, Haynes, Howard, Kirk, Lee, Love, Mandel, Menes, Murray, Nathan-Pulliam, Paige, Patterson, Petzold, Ramirez, Taylor, F. Turner, and V. Turner**

Introduced and read first time: February 6, 2003

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment - Equal Pay for Equal Work**

3 FOR the purpose of prohibiting an employer from discriminating between employees
4 in any occupation by paying a wage to employees of one race at a rate less than
5 the rate paid to employees of a different race if certain conditions are met;
6 providing that certain provisions of law relating to equal pay for equal work do
7 not diminish an employee's rights, entitlements, or benefits under a bona fide
8 collective bargaining agreement or otherwise diminish the integrity of an
9 existing collective bargaining agreement or relationship; providing for the
10 application of certain provisions of law relating to equal pay for equal work; and
11 generally relating to equal pay for equal work.

12 BY repealing and reenacting, with amendments,
13 Article - Labor and Employment
14 Section 3-302 and 3-304
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2002 Supplement)

17 BY adding to
18 Article - Labor and Employment
19 Section 3-309
20 Annotated Code of Maryland
21 (1999 Replacement Volume and 2002 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Labor and Employment

2 3-302.

3 This subtitle applies to an employer of both men and women OR INDIVIDUALS
4 OF DIFFERENT RACES in a lawful enterprise.

5 3-304.

6 (a) An employer may not discriminate between employees in any occupation
7 by paying a wage to employees of 1 sex OR RACE at a rate less than the rate paid to
8 employees of [the opposite] A DIFFERENT sex OR RACE if both employees work in the
9 same establishment and perform work of comparable character or work on the same
10 operation, in the same business, or of the same type.

11 (b) Subsection (a) of this section does not prohibit a variation in a wage that is
12 based on:

13 (1) a seniority system that does not discriminate on the basis of sex OR
14 RACE;

15 (2) a merit increase system that does not discriminate on the basis of sex
16 OR RACE;

17 (3) jobs that require different abilities or skills;

18 (4) jobs that require the regular performance of different duties or
19 services; or

20 (5) work that is performed on different shifts or at different times of day.

21 (c) An employer who is paying a wage in violation of this subtitle may not
22 reduce another wage to comply with this subtitle.

23 3-309.

24 THIS SUBTITLE DOES NOT DIMINISH AN EMPLOYEE'S RIGHTS, ENTITLEMENTS,
25 OR BENEFITS UNDER A BONA FIDE COLLECTIVE BARGAINING AGREEMENT OR
26 OTHERWISE DIMINISH THE INTEGRITY OF AN EXISTING COLLECTIVE BARGAINING
27 AGREEMENT OR RELATIONSHIP.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2003.